

BOISE, MONDAY, MAY 15, 2023, AT 11:10A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

PAUL HANKS,

Plaintiff-Appellant,

v.

**CITY OF BOISE; REPUBLIC PARKING
SYSTEM, LLC, a Tennessee limited liability
company,**

Defendants-Respondents,

and

**UNITED COMPONENTS, INC., dba
ASPHALT MAINTENANCE & PAVING, an
Idaho corporation,**

Defendant.

Docket No. 49606

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Derrick O'Neill, District Judge.

Fisher Hudson Shallat, Boise, for Appellant.

Anderson, Julian & Hull, LLP, Boise, for Respondents.

This case concerns premises liability and the legal duties owed to an invitee who slipped and fell on a patch of ice. In December 2019, Paul Hanks slipped and fell on a patch of ice after exiting a vehicle in the passenger loading zone of the Boise Airport. Hanks brought suit against the City of Boise, Republic Parking System, LLC, and United Components, Inc. (collectively the “Defendants”) for negligence. Hanks argued that the Defendants had a duty to maintain the Boise Airport parking facilities in a safe manner and that the Defendants failed in that duty by not keeping the passenger loading zone in a safe condition.

The case against United Components, Inc was dismissed with prejudice and not contested by Hanks on appeal. The litigation continued against the remaining defendants. The City of Boise and Republic Parking System, LLC (collectively “Respondents”) moved for summary judgment, arguing that they have met all legal duties owed to Hanks. The district court agreed, concluding that the City of Boise and Republic Parking System, LLC had met all legal duties owed to Hanks. Accordingly, the district court granted summary judgment. Hanks timely appealed.

On appeal, Hanks argues that the district court erred in determining that the icy patch was an isolated incident and its determination that the Respondents did not have constructive notice or actual knowledge of the icy patch in question. Further, Hanks argues that the district court erred in failing to consider the Respondents' operating methods and evidence that dangerous conditions were continuous and foreseeable. Additionally, Hanks argues that the district court also erred "when it *sua sponte* decided the issue of causation despite the [Respondents] only moving for summary judgment on the element of breach."